

TENTATIVE RULINGS for CIVIL LAW and MOTION

November 19, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Deutsche Bank National Trust Company v. Howe et al.**

Case No.: CV UD 09-2654

Hearing Date: November 19, 2009 Department Fifteen 9:00 a.m.

Plaintiff Deutsche Bank National Trust Company's unopposed motion for summary judgment is **GRANTED**. Plaintiff proved each element of its cause of action for unlawful detainer and met its burden of showing that there is no defense thereto, entitling it to judgment. (*Aguilar v. Atlantic Richfield Company* (2001) 25 Cal.4th 826, 849; Separate Statement of Undisputed Material Facts Nos. 1-6.)

Plaintiff shall serve the defendants with notice of this ruling by no later than November 24, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **First Federal Bank of California v. Rennick**

Case No. CV UD 09-2765

Hearing Date: November 19, 2009 Department Fifteen 9:00 a.m.

Plaintiff's unopposed motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 1170.7.) Plaintiff has established each element of its unlawful detainer cause of action. (Declaration of Earl Wallace and exhibits thereto; Declaration of Mike Rigley.) Plaintiff is entitled to possession of the subject premises.

Plaintiff shall serve the defendants with notice of this ruling by no later than November 24, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **HSBC Bank v. Tran**
Case No. CV UD 09-2636
Hearing Date: **November 19, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff's unopposed motion for summary judgment is **DENIED**. Declarations submitted in support of a summary judgment motion must be made by a person on personal knowledge. (Code Civ. Proc., § 437c, subd. (d).) James Lee, counsel for the plaintiff, submits a declaration stating that defendant Tuan Tran is currently in possession of the subject premises. (Lee Declaration ¶ 6.) No other evidence is submitted to support this fact. Mr. Lee does not state facts showing that he has personal knowledge that Mr. Tran remains in possession of the property.

Counsel and/or the parties shall appear for trial on November 19, 2009, at 8:15 a.m. in Department 10.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **In re Anna Pedras**
Case No. CV PT 09-2751
Hearing Date: **November 19, 2009** **Department Fifteen** **9:00 a.m.**

The petition for approval of transfer of structured settlement payment rights is **DENIED**. There is no proof of service showing service on the Attorney General of a verified statement stating that all of the conditions set forth in Insurance Code sections 10136, 10137 and 10138 have been met. (Ins. Code, § 10139, subd. (a).) The Assignment Agreement would require the obligor to split payments between the petitioner and Anna Pedras. (Ins. Code, §§ 10139.3, subd. (e) and 10139.5, subd. (b)(3).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **In re Matter of Silva**
Case No. CV P2 09-191
Hearing Date: **November 19, 2009** **Department Fifteen** **9:00 a.m.**

The petitioner and the minor are directed to appear or to show good cause why the petitioner and minor should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner

and the minor choose to show good cause, they should do so by filing a declaration before the hearing setting the forth the facts supporting good cause. If the parties fail to appear at the hearing and the court has not excused their personal appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: **Menefee v. Tyslyuk**
Case No. CV PM 09-990

Hearing Date: **November 19, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff's motion to quash is **GRANTED**. Defendant's subpoenas which request "any and all" documents and records concerning plaintiff's medical and employment histories are overbroad and seek information that is protected by plaintiff's right to privacy. (Code Civ. Proc., § 2017.010; *Britt v. Superior Court* (1978) 20 Cal.3d 844; *Davis v. Superior Court* (1992) 7 Cal.App.4th 1008.) Because the subpoenas are not limited in time or to plaintiff's claimed injuries and damages, the Court does not address plaintiff's argument concerning the collateral source rule.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Paik v. Treon et al.**
Case No. CV PT 09-320

Hearing Date: **November 19, 2009** **Department Fifteen** **9:00 a.m.**

This matter is **CONTINUED** on the Court's own motion to Friday, January 22, 2010, at 9:00 a.m. in Department Fifteen.